UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:23-CV-00558-FDW-SCR

JOSEPH ELBERTI,)
Plaintiff,)
v.	ORDER
AVERITT EXPRESS, INC., ET AL,)))
Defendants.)))

THIS MATTER is before the Court following Plaintiff's failure to respond to this Court's Order directing Plaintiff, who appears pro see, to SHOW CAUSE why this action should not be dismissed for failure to serve and failure to prosecute in accordance with the Federal Rules of Civil Procedure. (Doc. No. 3.) In that Order, the Court expressly warned Plaintiff that "[F]ailure to adequately and timely respond will result in dismissal of this action." (Id., p. 3.) Plaintiff failed to respond and Show Cause, and the time for doing so has long expired.

IT IS THEREFORE ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to comply with Fed. R. Civ. P. 4(m), which requires service to be made within 90 days after the complaint is filed, and failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The Clerk is respectfully directed to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: June 25, 2024

Frank D. Whitney United States District Judge